

ALASKA STATE LEGISLATURE

Session
State Capitol, Rm 204
Juneau, AK 99801
907-465-3892



Interim
1500 W Benson Boulevard
Anchorage, AK 99503
907-269-0234

Representative Chuck Kopp

House Majority Leader · District 10 · Oceanview/Old Seward, Bayshore/Klatt

Bill History & Summary SCS CS HB 239(JUD) - version H

This document provides a bill history and bill summary for SCS CS HB 239(JUD) version H — an omnibus criminal justice bill that consolidates provisions from multiple separate bills. Here is a concise overview of what it contains:

History:

HB 239 started as a fatal pedestrian hit-and-run bill, and if you were convicted of both criminally negligent homicide & failure to render assistance/fleeing the scene, *it would have a presumptive sentence range of 7-11 years and it would be a class A felony. It also required a mandatory consecutive term of not less than 10 years;*

HJUD: Bill had 2 amendments:

- Modified the presumptive sentencing range for a first felony offender convicted of criminally negligent homicide under AS 11.41.130(b)(2) or AS 11.41.170(b)(2) **from 7-11 years to 4-7 years;**
- It clarified the consecutive sentencing provision and requires a sentencing court to **impose some consecutive term** of imprisonment when an offender is convicted of criminally negligent homicide (under AS 11.41.130(b)(2) or AS 11.41.170(b)(2)) and failure to render assistance (in violation of AS 28.35.050 or AS 28.35.060) but leaves the length of the consecutive term to the discretion of the court.

Statute References Mentioned Above: - AS 11.41.130(b)(2): Criminally Negligent Homicide; AS 11.41.170(b)(2): Criminally Negligent Homicide of an Unborn Child; AS 28.35.050: Action of Operator Immediately After an Accident; AS 28.35.060: Duty of Operator to Give Information and Render Assistance.

SJUD: 1st Committee Substitute – version G

HB 239 was modified to incorporate various crime & justice bills and sections.

- HB 239 was amended to only include a provision that clarified the consecutive sentencing provision and requires a sentencing court to **impose some consecutive term** of imprisonment when an offender is convicted of criminally negligent homicide (under AS 11.41.130(b)(2) or AS 11.41.170(b)(2)) and

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failure to render assistance (in violation of AS 28.35.050 or AS 28.35.060) but leaves the length of the consecutive term to the discretion of the court.

- HB 239 included:
 - HB 101 – Crimes Against Minors; Age to Consent
 - SB 247 – Generated Obscene Child Sex Abuse Material
 - HB 62 - Sexual Assault Examination Kits/Tracking
 - HB 242 – Sexual Assault by a Health Care Worker
 - SB 17 – Crime Counterfeit/Nonfunctioning Airbag
 - SB 233 – Controlled Substances Advisory Committee Transfer
 - SB 100 – Theft: Organized; Med. Records: Mail
 - HB 384 - Definition of “Victim Counseling Center”
 - HB 81 - Access to Marijuana Conviction Records

SJUD: 2nd Committee Substitute – version H

Folded in various amendments to refine the existing language from version G to the current version H. Changes from version G to version H include:

- Amendments to HB 101, SB 100, SB 247, and two language sections inserted, which are:
 - Dept. of Public Safety – amends cruelty to animals to criminalize processing images of sexual contact with animals (bestiality) and accessing on a computer with intent to view;
 - Department of Corrections – Authorizes the Commissioner to release prisoners who have a permanent or degenerative medical condition and will not pose a threat of harm to the public to be released on ankle monitoring

SCS CSHB 239(JUD) version H includes ten bills, four new sections, and three new subsections in the current version of the bill.

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HB 101, version I - CRIMES AGAINST MINORS; AGE CONSENT TO 18, Representative Gray — The bill aligns Alaska’s child protection statutes with the standard legal age of eighteen. It raises the age threshold of consent from 16 to 18 for over 24 criminal offense provisions.

Bill Secs. 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 15, 17, 18, 20, 21, 25, 26, 30, 31, 32, 33, 41, 45, 46, 50, 51, 57, 58, 76, 81.

Alaska consistently ranks among the highest in the nation for sexual violence and assault. Teenagers, particularly aged 16 and 17 – are among the most frequently targeted victim. The bill addresses a core inconsistency – Alaska already sets 18 as the legal age in most respects (voting, signing contracts, and serve on juries)

The legislation is not about criminalizing normal teenage behavior or peer relationships. Age-gape provisions and affirmative defenses remain in place throughout the relevant statutes. The bill is targeted squarely at adults - individuals 18 or older – who prey on or harm teenagers.

CURRENT STATUTE

Under 13	13, 14, or 15	16+
AS 11.41.434(a) A person 16+ commits sexual abuse of a minor in the first degree by engaging in sexual penetration with a person under 13	Sexual contact or penetration permitted only with parties less than 4 years older	No age restriction on sexual contact or penetration

AMENDMENT N.1 to HB 101

Under 13	13, 14, or 15	16 or 17	18+
No change under HB 101	Sexual contact or penetration permitted only with parties less than 4 years older	Sexual contact or penetration permitted only with parties less than 6 years older	No change under HB 101

HB 101 amends the following areas of Alaska law:

Civil and Criminal Liability. Raises the age for civil claims by child victims of sexual abuse and increases the protected victim age in first- and second-degree murder provisions from under 16 to under 18.

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Assault and Stalking. Amends third degree assault to reflect the higher victim age and preserves the affirmative defense provision — Raises the victim age threshold for first degree stalking from under 16 to under 18.

Sexual Abuse of a Minor. Updates the first, second, and third-degree sexual abuse of a minor statutes, raising the age framework from under 16 to under 18 for provisions involving sexual penetration and sexual contact, while preserving existing age-gap structures and allowing for a six-year gap when the victim is 16 or 17.

Enticement and Online Exploitation. Amends online enticement of a minor to be consistent with the age adjustments made in the sexual abuse of a minor statutes.

Indecent Exposure and Child Welfare. Raises the victim age in first- and second-degree indecent exposure statutes and updates the endangering the welfare of a child provision to reflect the higher age threshold.

Explicit Images and Indecent Material. Amends the offense of sending an explicit image of a minor. Extends age adjustments made in the sexual abuse of a minor statutes to solicitation or production of an indecent picture of a minor. Amends distribution of indecent materials to minors to require the offender to be at least 18 years of age or older and the victim to be under 18 and at least two years younger than the offender.

Court Procedures. Raises from under 16 to under 18 the age at which a child victim may testify through special procedures — such as closed-circuit television — in criminal proceedings.

Sentencing. Updates sentencing provisions for unclassified and classified felonies to reflect the higher child victim age and amends prior conviction and aggravating and mitigating factor provisions to apply the under-18 threshold consistently across sentencing determinations.

SB 247, version N - GENERATED OBSCENE CHLD SEX ABUSE MATERIAL, Senator Kiehl — Criminalizes generated obscene child sexual abuse material (CSAM) – including AI generated CSAM. The bill aligns generated obscene CSAM sentencing limits and presumptions on par with distribution or possession of CSAM. It makes it a crime to distribute or possess generated obscene CSAM materials.

Bill Secs. 10, 12, 14, 16, 22, 23, 24, 27, 28, 29, 34, 38, 40, 42, 43, 44, 47, 49, 52, 56, 58, 59, 61, 67, 74, 75, 78, 81.

First: The bill creates two new felony offenses targeting AI-generated and digitally manipulated child sexual abuse material:

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- **Distribution of Generated Obscene CSAM (AS 11.61.121):** A class B felony for distributing, selling, sharing, or otherwise circulating obscene CSAM. Elevated to a class A felony for repeat offenders or those with a prior conviction for traditional CSAM distribution. Possession of 100 or more items is prima facie evidence of distribution.
 - **Possession of Generated Obscene CSAM (AS 11.61.122):** A class C felony for knowingly possessing or accessing obscene CSAM with intent to view. The material must meet a three-part constitutional obscenity test — consistent with federal standards — and depict a child under 18 who appears to be engaged in enumerated sexual conduct, regardless of whether any actual child was used in its production.
- Exploitation of a Minor Statute:** The bill expands the existing unlawful exploitation of a minor statute (AS 11.41.455) to add "contact with semen" as an eighth category of enumerated conduct. This closes a specific gap in the current list of conduct whose filming or recording of a child constitutes unlawful exploitation. All statutes that cross-reference AS 11.41.455 — including enticement of a minor, second-degree sexual abuse of a minor, and CSAM possession — are updated accordingly.

The following provisions of SB 247 are contained within SCS CSHB 239(JUD) crime bill:

- **Sentencing:** Generated CSAM distribution is incorporated into Alaska's sexual felony presumptive sentencing grid, with ranges that track those for traditional CSAM distribution. Class A felony distribution (repeat offense) carries a 15-30 year presumptive range for a first felony conviction.
- **Recidivism:** A prior conviction for distributing generated CSAM counts as a predicate "sexual felony" for sentencing enhancements in future cases — and vice versa — creating a unified recidivism consequence across both types of CSAM.
- **Consecutive Sentencing:** Multiple counts of generated CSAM distribution or possession require at least some consecutive prison time, consistent with the rule for traditional CSAM offenses.
- **Sex Offender Registration:** Both new offenses trigger sex offender registration requirements.
- **No Deferred Prosecution or Suspended Sentence:** Courts may not defer prosecution or suspend imposition of sentence for defendants charged with or convicted of generated CSAM offenses.
- **Asset Forfeiture:** Property used to distribute or possess generated CSAM — including computers, servers, and devices — is subject to forfeiture upon conviction.
- **No Statute of Limitations:** Prosecution for distributing generated CSAM may be commenced at any time.
- **Background Checks:** A conviction for distributing generated CSAM constitutes a "serious offense" under Alaska's background check laws.

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- **Teaching Certificates:** A teacher convicted of either generated CSAM offense must have their certificate permanently revoked.
- **School Bus Drivers:** A person convicted of either offense is permanently barred from obtaining a school bus driver's license.
- **ISP Subpoenas:** Law enforcement may use administrative subpoenas to obtain ISP account records in generated CSAM investigations.
- **Juvenile Proceedings:** Juvenile hearings and record disclosures involving generated CSAM distribution follow the same rules as traditional CSAM cases.
- **Prostitution Safe Harbor:** A person who engages in prostitution and witnesses or was a victim of generated CSAM and reports it in good faith to law enforcement cannot be prosecuted for prostitution based on evidence arising from that report.

HB 242, version A - SEXUAL ASSAULT BY HEALTH CARE WORKER, Representative Hannan — Strengthens first-degree sexual assault laws by a health care worker. Making it a crime for a health care worker to engage in sexual penetration or sexual contact with a patient during the course of professional treatment, regardless of the victim's awareness. **Bill Secs. 7, 8, 81.**

The following provisions of HB 242 are contained within SCS CSHB 239(JUD) crime bill:

- amends the definition of sexual assault in the **first degree** by a health care worker to remove the stipulation that the offender must know that a victim is unaware that a sexual act (sexual penetration) being committed. This change would mean that a victim can be aware or unaware of the sexual contact during the assault
- Amends the definition of sexual assault in the **second degree** by a health care worker to remove the stipulation that the offender must know that a victim is unaware that a sexual act (sexual contact) is being committed. This change means that a victim can be aware or unaware of the sexual contact during the assault.

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HB 62, version A - SEXUAL ASSAULT EXAMINATION KITS/TRACKING, Request of the Governor
— Sexual Assault Response Team and Sexual Assault Examination Kit reform. Amends the rights of victims to be notified of location and testing date of a sexual assault examination kit and provides definitive timelines for gathering and submission to a testing laboratory and deadlines for testing the sexual assault examination kit.
Bill Secs. 53, 68, 69, 70, 71, 72, 73, 81.

The following provisions of HB 62 are contained within SCS CSHB 239(JUD) crime bill:

- includes the victim's right to be notified of location and testing date of a sexual assault examination kit that is collected from the victim
- requires that within 14 days after gathering the evidence, health care providers shall notify the appropriate law enforcement agency that the sexual assault examination kit is available to be sent to an accredited laboratory in coordination with the Department of Public Safety
- Requires that a law enforcement agency must send the kit identified by the health care provider in the scenario above must send the sexual assault examination kit to an accredited laboratory in coordination with the Department of Public Safety
- Requires that within 120 days of when a sexual examination kit is received by the laboratory to which it is sent, the sexual assault examination kit must be tested within 120 days
- Clarifies that if the case is resolved before the sexual assault examination kit is tested, then the health care provider, law enforcement agency, or laboratory in possession of the sexual assault examination kit is not required to meet the time limits established in (a) of this section
- add subsection which clarifies that the sexual assault examination kit information must be entered into the tracking system established by the Department of Public Safety
- Requires the Department of Public Safety to develop and operate a sexual assault examination tracking system to track status and location of a sexual assault examination kit from the point of evidence collection to testing
- Requires that the sexual assault examination kit tracking system allow the victims to access and, if the victim chooses, to receive automated notifications of the status of the kit and when a kit has been tested.

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- Establishes the sexual assault examination kit tracking system as confidential and not subject to public records, except that the Department of Public Safety may use the information to provide the report required by AS 44.41.070

The following Department of Public Safety provisions are contained within SCS CSHB 239(JUD) crime bill:

Department of Public Safety (DPS) — Criminalizes knowingly possessing or accessing obscene material depicting bestiality on a computer with an intent to view. Add possession of bestiality material as a new form of animal cruelty, with a misdemeanor-first, felony-on-repeat penalty structure. **Bill Sec. 35**

The following provisions of HB 81 are contained within SCS CSHB 239(JUD) crime bill:

HB 81, version I - ACCESS TO MARIJUANA CONVICTION RECORDS, Representative David Nelson — Adds new subsection for restricting the release of criminal justice information regarding marijuana convictions when offender was convicted of one ounce or less of marijuana, was 21 years of age or older at the time of the offense, was not convicted of any other criminal charges in that case, and requests the agency not release the records. **Bill Secs. 54, 55, 77, 79, 80.**

*Note: currently a person must request not to have their related criminal offense released, after January 1, 2028, a person **will not have to request that provision**, it will be law that a person's related criminal offense will not be released under provision of HB 81.

The following Department of Corrections provisions are contained within SCS CSHB 239(JUD) crime bill:

Department of Corrections (DOC) — Medical release for service of sentence by electronic monitoring. Provision allows the commissioner to authorize a medical release for a prisoner when they pose no threat of harm to the public if they have a permanent or degenerative medical condition and it is appropriate to release the prisoner on an electronic monitoring device. **Bill Secs. 66, 81.**

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The remaining provisions of HB 239 are contained within SCS CSHB 239(JUD) crime bill:

HB 239, version N - CRIM. NEG. HOMICIDE; FAILURE TO ASSIST, Representative Kopp — Vehicular Criminally Negligent Homicide. Offenders convicted of criminally negligent homicide, require a consecutive term of imprisonment for each additional crime of failure to stop and render aid under AS 28.35.050 or AS 28.35.060. **Bill Sec. 48**

The following provisions of SB 265 are contained within SCS CSHB 239(JUD) crime bill:

SB 265, version I - CRIM. NEG. HOMICIDE; FAILURE TO ASSIST, Senator Claman — Duty of an operator to give information and render assistance. Creates a class B felony for failure to render assistance when the crash causes injury. Elevates it to a class A felony when there is an accident that causes a death and the person fails to stop and render aid. **Bill Secs. 62, 63, 64.**

The following provisions of SB 100 are contained within SCS CSHB 239(JUD) crime bill:

SB 100, version A - THEFT: MAIL – Request of the Governor — Mail theft. Adds mail theft as a standalone offense for third-degree theft regardless of the value of contents. **Bill Secs. 19, 81.**

The following provisions of HB 384 are contained within SCS CSHB 239(JUD) crime bill:

HB 384, version N - DEFINITION OF 'VICTIM COUNSELING CENTER', House Judiciary — Expands victim counseling center definition. Amends statutes within Alaska's domestic violence and sexual assault provisions to expand the definition of a "victim counseling center" to include a "tribal" organization and extending confidentiality protections to their clients. **Bill Secs. 60, 81.**

The following provisions of SB 17 are contained within SCS CSHB 239(JUD) crime bill:

SB 17, version A - COUNTERFEIT/NONFUNCTIONING AIRBAG, Senator Claman — Creates the offense of airbag fraud. Establishing the crime of airbag fraud by prohibiting the sale, installation, or manufacture of counterfeit or nonfunctioning airbags. **Bill Secs. 65, 81.**

The following provisions of SB 233 are contained within SCS CSHB 239(JUD) crime bill:

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SB 233, version A - CONTROLLED SUBSTANCES ADVISORY COMMITTEE Senator Claman —
Controlled Substances Advisory Committee. The nine-member committee is moving from the Department of Law to the Department of Commerce, Community and Economic Development (DCCED). **Bill Secs. 39, 81.**